

Independent Claim 2

Claim 2 is rejected under §103(a) as allegedly being unpatentable over Fischer in view of Ahls et al. This rejection is respectfully traversed.

Claim 2 recites, *inter alia*, that a non-slip surface is mounted to the step rear edge, from which the riser extends downward.

Fischer, on the other hand, Fischer discloses an escalator step that include : a nosing (3, 40) mounted to its rear edge. As noted in the Office Action, Fischer does not disclose that the nosing is non-slip. However, according to the Office Action, rubber is notoriously well known for its high coefficient of friction. Further according to the Office Action, Ahls et al. discloses providing a non-slip surface made of rubber to the edges of an escalator step including the rear edge, and it would have been obvious "to provide the synthetic resin surface of the step disclosed by Fischer be made of rubber such requiring the mere choice of an art recognized material used for making surfaces that can be attached to the rear edge of an escalator step as taught by Ahls et al."

Applicants respectfully disagree.

Initially, Applicants note that Ahls et al. discloses a wear resistant coating 34 that is a plasticized PVC, and that "other polymers, elastomers, or *rubber products*, may be used alternatively." (Col. 3, lines 5-8, emphasis added.) Applicants find no reference to rubber per se. Therefore, Applicants submit that the rejection, insofar as it relies on allegedly notorious properties of rubber, is not proper.

Further, Applicants traverse the assertion in the Office Action that rubber is (or more appropriately, rubber products are) notoriously well known for high coefficient of friction. While it may be true that some rubber products do exhibit high frictional characteristics, rubber products (as well as the other listed materials) can exhibit a very broad range of coefficients of friction depending on specific composition, surface treatments, additives, etc.

Additionally, Applicants submit that it would not be proper to assume that the rubber products mentioned in Ahls et al. are high-friction, nor would it be proper to conclude that one of skill in the art would substitute a high-friction material for the nosing of Fischer based on the teachings of Ahls et al., especially when Ahls et al. discloses no concern with frictional properties.

(Applicants note that Ahls et al. addresses the problem of providing "a durable means for alerting passengers ... which is easily recognizable" (col. 1, lines 60-63), focusing on wear resistance and visibility.) There is no objective reason to conclude either that the rubber products mentioned in Ahls et al. have non-slip characteristics or that the disclosure of Ahls et al. would suggest using a material that does have non-slip characteristics.

Still further, as noted previously, Applicants understand that the purpose of the nosing of Fischer is to permit replacement of the step edge in some cases (see col. 1, lines 31-42 and 45-48). Use of the wear resistant coating of Ahls et al., which is bonded to the tread surface using a dipping process (col. 3, lines 9-30), is completely inconsistent the foregoing purpose of the nosing in Fischer. On the other hand, there is no suggestion that the coating materials of Ahls et al. would be suitable for use in the mounted nosing of Fischer. Therefore, one of skill in the art would not be disposed on any objective basis to combine the teachings of Ahls et al. and Fischer in the asserted manner.

In fact, each of Fischer and Ahls et al. appears to teach away from the other. Fischer specifically teaches away from unitary steps in which the ribbing on the outside edges of the tread surface are formed along with the remaining step (col. 1, lines 35-42), whereas Ahls et al. specifically teaches away from using plastic inserts secured to steps (col. 1, lines 48-51). This is further indication that one of skill in the art would not be disposed on any objective basis to combine the teachings of Ahls et al. and Fischer in the asserted manner.

Since neither Fischer nor Ahls et al., whether considered independently or in combination, discloses or suggests all of the features that are recited in claim 2, Applicants request withdrawal of this rejection.

Dependent Claims

Dependent claim 3 is also rejected under §103(a) as allegedly being unpatentable over Fischer in view of Ahls et al. Claim 4 is rejected under §103(a) as allegedly being unpatentable over Fischer in view of Ahls et al., and further in view of Saito et al. These rejections are respectfully traversed.

Claims 3 and 4 are allowable by virtue their dependence on claim 2. Saito et al., which is cited for its disclosure regarding serrated cleats, does not overcome the above-noted deficiencies in the disclosures Fischer and Ahls et al. Further, these claims recite features in addition to those included in claim 2, and are submitted to be patentable in their own right. Further independent consideration of the dependent claims is requested.

Conclusion

For the reasons set forth above, Applicants request withdrawal of each rejections set forth in the Office Action. Favorable reconsideration is requested.

Respectfully submitted,



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